

Specifically, the Examiner objects to the phrase "covalently attached to a functionality" contained in claim 9. Applicant notes that claim 9 has been amended to eliminate the above phrase to further prosecution of the present application.

With regard to claim 11, the Examiner states on page 4, lines 3-6, of the present Office Action, that the Examiner is unable to locate support for the scope of selecting enzymes based on molecular weight, isoelectric point, amino acid content and crystal structure.

Applicant points to page 3, lines 5-9, of the present specification, in support of the use of the above criteria for the identification of enzymes. Physical and chemical characteristics are routinely used by those of skill in the art to distinguish enzymes from one another. Techniques common to molecular biology and enzymology are readily available to identify such characteristics. Applicant believes, and the courts agree, that the specification need not disclose what is well known in the art.

Accordingly, in light of the amendment to claim 9 and in view of the above discussion, Applicant respectfully requests that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

II. REJECTIONS UNDER 35 U.S.C.§102

Claims 7-12 stand rejected under 35 U.S.C.§102 (b) as allegedly anticipated by GibcoBRL. Applicant notes that this rejection is moot with respect to canceled claim 12. Applicant respectfully traverses this rejection as it may apply to amended claims 7-11.

The cited reference teaches a kit containing purified enzymes for the purpose of cDNA synthesis. In contrast, the kit of the claimed invention contains "a mixture of unpurified and uncharacterized enzymes exhibiting a particular activity". The present invention is not intended to provide purified or characterized enzymes and claim 7 has been amended to reflect that limitation. The claimed invention provides an enzyme kit useful for further screening and/or research, as specified on page 9, lines 13-15, of the present specification. The enzymes provided in the kit are uncharacterized and are intended to serve as a starting point for further identification and characterization. Therefore, Applicant submits that the cited reference does not teach each and every element of the claimed invention and respectfully argues that the kit of the claimed invention is not anticipated by the cited reference:

Accordingly, in light of the amended claims and in view of the previous discussion, Applicant respectfully requests that this rejection under 35 U.S.C. §102 be withdrawn.

In summary, for the reasons set forth herein, Applicant maintains that claims 7-11 clearly and patentably define the invention, respectfully requests that the Examiner reconsider the various grounds set forth in the Office Action, and respectfully requests the allowance of the claim which is now pending.

If the Examiner would like to discuss any of the issues raised in the Office Action, Applicant's representative can be reached at (619) 678-5070.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 7/13/98


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